

No. 8805. Equity.

Petition

Feb. 22^d 1912.

To the Honorable Judges of said Court:-
The Petition of Ernest S. Myers, respectfully shows unto your Honors.

1. That he is one of the children and heirs at Law of Mahlon S. Myers, late of Frederick County, Maryland, deceased, and is also one of the Defendants in the above entitled cause.

2. That Mahlon S. Myers was the tenant for life of the property and estate mentioned in the Bill of Complaint, he having acquired said interest in said property by virtue of a deed executed by Anna E. Specht, on July 26 1894, and which is referred to in the first paragraph of the Bill of Complaint.

3. That the said Mahlon S. Myers died on December 6, 1911 and the wheat crop to be harvested this summer, was of course planted by him under his direction, and he was entitled to the said crop, the same being an emblement, and now that the said Mahlon S. Myers, is dead, and his estate has terminated before the crop has been harvested, his representatives are entitled to harvest and cut the same and collect the proceeds arising from the sale thereof.

4. That there is due and owing to the Harmsburg Fertilizer Company of Frederick, Maryland, connected with the planting of said wheat crop, the sum of \$17.50 for 10 1/2 sacks of plant food as per "Exhibit E.S. Claim", and which would be a charge against the interest of the said Mahlon S. Myers and his representatives in said wheat crop.

5. That the said Mahlon S. Myers, died intestate leaving no property of any kind or description, except his interest in the wheat crop aforesaid, and your Petitioner notably desiring to see his father decently buried, and believing that the other parties to this proceeding, who are his brothers and sisters, would gladly consent to reimburse him for his expenditures in this behalf, paid the funeral expenses of his father, as shown by the vouchers herewith filed, marked "Exhibit E.S. Claim", and prayed to be taken and considered as a part hereof, and which are as follows:-

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| 1. C. E. Cline, Undertaker | \$94.25 |
| 2. Mt Olivet Cemetery Company | 18.00 |
| Digging grave etc. | |
| 3. Thos. C. Sporseller Halls at funeral | 5.00 |
| 4. Garber & Green | " " " 10.00 |
| 5. Doll and Doll | " " " 5.00 |